

PTH:MJB
F. #2020R00151

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

DOUGLAS EBANKS,

Defendant.

AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

Case No. 20-204M

(18 U.S.C. § 922(g)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

JASON LANDUSKY, being duly sworn, deposes and states that he is a Detective with the New York City Police Department, duly appointed according to law and acting as such.

On or about December 26, 2019, within the Eastern District of New York, the defendant DOUGLAS EBANKS, knowing that he had been previously convicted in a court of one or more crimes punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting interstate or foreign commerce a firearm, as well as ammunition, to wit: a Smith & Wesson pistol and ammunition.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course

1. I am a Detective with the New York City Police Department (“NYPD”) and have been involved in the investigation of numerous cases involving the recovery of firearms and ammunition. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant’s criminal history record; and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in substance and in part.

2. On December 17, 2015, EBANKS was convicted of Criminal Possession of a Weapon in the Third Degree, in violation of New York Penal Law § 265.02(1), and was sentenced on January 4, 2016 to 42 to 84 months’ imprisonment. As part of his sentence, EBANKS was ordered to be supervised by the New York State Division of Parole following his October 7, 2019 release from prison. EBANKS’ parole supervision was scheduled to be in effect until September 3, 2022. As part of the conditions of his parole supervision, EBANKS was not permitted to, and agreed not to, own or possess a firearm or ammunition.

3. On December 26, 2019, New York State Parole Officer Kevin Felix viewed a video of EBANKS from EBANKS’ Facebook social media account, which depicted EBANKS holding, waving and pointing a black handgun.

4. On December 26, 2019, Parole Officer Felix and members of his team responded to EBANKS’ residence at 40 Woodruff Avenue, Brooklyn, New York to conduct a search of the premises. During Parole Officer Felix’s search, he found a Smith & Wesson

of this investigation.

pistol and a high-capacity magazine containing 15 rounds of ammunition hidden inside a bag hanging on the door handle of a closet. Parole Officer Felix also called EBANKS' cell phone number on file, which is the same number EBANKS' parole officer used to communicate with EBANKS, and an iPhone within the apartment rang. Since EBANKS' parole conditions permit the search of his "person, residence and property," a cursory search of EBANKS' phone was conducted and Officer Felix observed an additional video of EBANKS holding, waving and pointing a black handgun in the "photos" portion of the phone. EBANKS was subsequently arrested by members of the New York City Police Department and transported to the 70th precinct for arrest processing.

5. While at the precinct and prior to questioning, EBANKS waived his Miranda rights and agreed to speak to law enforcement, which was captured on video. During the interview, EBANKS admitted that the video depicted him (EBANKS) holding the gun, but he claimed it was a different gun than the one Parole Officer Felix found inside the apartment. EBANKS stated that he disposed of the gun depicted in the video and he did not know how the gun found in the apartment got there.

6. I have conferred with an Interstate Nexus expert with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, who has informed me, in substance and in part, that the recovered firearm, a Smith & Wesson 9 mm pistol, and the Aguila, Blazer and Federal Cartridge ammunition, were all manufactured outside the state of New York.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant DOUGLAS EBANKS so that he may be dealt with according to law.



JASON LANDUSKY
Detective
New York City Police Department

Sworn to before me this
27th day of February, 2020

Robert Levy

THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK